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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,777

Applicant(s)

RODRIGUEZ ET AL.

Examiner

ANDREY BELOUSOV

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-41,43-48 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-41,43-48 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the filing of 9/4/2009. Claims 1-5, 7-41, 43-48 and 53-58 are pending and have been considered below.

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7 depends on a subsequent claim, 53. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7-12, 14-17, 20-24, 26-28, 30-37, 39-40, 43-48, 53-56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck (6,008,836) in view of ATI (ATI Multimedia center 7.9, User's Guide, Copyright (c) 2002, ATI Technologies Inc.)

Claim 1, 26, 55: Bruck discloses a method for determining the characteristics of a display device (Fig. 1B: 12) coupled to a network client device (Fig. 1B: 10) capable of receiving television (TV) signals, the network client device having video (Fig. 1B: 6) and audio output (Fig. 1C: 25) capabilities, said method comprising the steps of:

- a. driving a display device with a first video output signal (Fig. 6B, some mid-range level of Brightness) formatted according to a first video interface specification (Fig. 1C: 26);
- b. responsive to driving the display device, explicitly querying a user (Fig. 6B), the query configured to solicit a response (Fig. 6B, adjustment of brightness) from the user that correspond to whether the user can presently observe information (Fig. 6B: visibility of "A") rendered on the display device, the information included in the first video output signal;
- c. determining a characteristic (brightness, Fig. 6B) of the display device responsive to determining that the user can presently observe the information (Fig. 6B: "barely visible" A), the determination based on user input corresponding to the solicited response;
- d. repeating the explicit query to the user responsive to determining that the user cannot presently observe the information (the brightness query is visible regardless of the visibility of A pattern, Fig. 6B.)

However, Bruck does not explicitly disclose wherein the driving the display device with a second video output signal. ATI discloses a similar method for adjusting display characteristics of a display device, including driving a display device with a second video output signal (VGA, page 87, from ATI video card.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to enable a second modified video output signal.

One would have been motivated to provide signal modification outside of TV, so as to enable users can adjust display settings regardless of display device being used.

Claim 2, 27: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the characteristic includes at least one of a type of display device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, and capability and manner of receiving ancillary data (Fig. 6B.)

Claim 3, 28: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the display device includes a television set or a display monitor (Fig. 1B.)

Claim 5, 30: Bruck and ATI disclose the method and system of claims 1 and 26. ATI further discloses wherein the step of driving a display device with a first video output signal includes the step of transmitting a combination of both graphics and a picture sequence corresponding to moving video of video output signal (page 4.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bruck with ATI so as to transmit both graphics and a picture sequence corresponding to a moving video. One would have been motivated to transmit a combination of moving video and graphics as to enable a user to show movies on a display device.

Claim 7, 32: Bruck and ATI disclose the method and system of claims 53 and 26. Bruck further discloses wherein the transmitted video output signal is delivered through a video port (Fig. 1C: 12, 26) in the network client device (Fig. 1C: 10), the video port preset according to the first video interface specification and according to at least one parameter of the TV signal (Fig. 1C: 26; it is inherent that a video port would be preset to some video interface specification and with in mind to at least one of many parameters of a TV signal for which it was intended to interface with; Abstract.)

Claim 8, 33: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the explicit query is in the form of visual instructions to the user (Fig. 6B.)

Claim 9, 34: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the step of determining includes the step of determining what are optimal signal parameters to send to the display device (Fig. 6B: optimal brightness.)

Claim 10, 35: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the step of determining includes the step of determining at least one of how to drive the display device such that a legible, distorted picture is

presented and what are optimal signal parameters to send to the display device (Fig. 6B: optimal brightness.)

Claim 11, 36: Bruck and ATI disclose the method and system of claims 1 and 26. Bruck further discloses wherein the step of driving the display device with the second video output signal further includes the step of driving the display device according to a second video format different than a first video format of the first video output signal (Fig. 6B: at a different brightness level), wherein the step of driving the display device according to the second video format is a result of an automatic cycling to the second video output signal either after a defined threshold period of time of receiving no user input or as a result of the user input (Fig. 6B: 94.)

Claim 12, 37, 56: Bruck and ATI disclose the method and system of claims 11 and 36. ATI further discloses wherein the step of driving the display device according to the second video format includes the step of driving the display device through an output port used to drive the display device according to the first video format (pg. 87, VGA port.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to enable a second modified video output signal through the same port. One would have been motivated to provide signal modification outside of TV, so as to enable users can adjust display settings regardless of display device being used.

Claim 14: Bruck and ATI disclose the method of claim 1. Bruck further discloses wherein the display device is physically connected to a network client device (Fig. 1C: 26, 12.)

Claim 15: Bruck and ATI disclose the method of claim 1. Bruck further discloses wherein the display device is in wireless communication with a network client device (Fig. 1C: 11, 24.)

Claim 16: Bruck discloses the method of claim 1. Bruck further discloses further including the step of receiving a request for discovery of the characteristic (Fig. 3: 63, 4A, 71.)

Claim 17: Bruck and ATI disclose the method of claim 16. Bruck further discloses wherein the step of receiving the request includes the step of receiving a signal corresponding to the activation of a button on a remote control device (Fig. 1B: 11.)

Claim 20: Bruck and ATI disclose the method of claim 1. Bruck further discloses further including the step of driving the display device according to the determined characteristic (e.g. certain brightness, etc., Fig. 6B) or a plurality of determined characteristics to present content on a display screen of the display device (Fig. 1B: 12), wherein the step of driving the display device is further according to at least one parameter of the TV signal (aspect ratio, video size, etc.)

Claim 21, 43: Bruck and ATI disclose the method and system of claims 20 and 26.

Bruck further discloses further including the step of receiving stored video and graphics pictures from a storage device to process and present the corresponding content on the display screen of the display device (Fig. 6B: 92.)

Claim 22, 44: Bruck and ATI disclose the method and system of claims 21 and 43.

Bruck further discloses wherein the video and graphics pictures include at least one of distorted objects, non-distorted objects, distorted images, non-distorted images, visual information, and a graphical characteristic to provide an indication of the characteristic of the display device (Fig. 6B: 92.)

Claim 23, 46: Bruck and ATI disclose the method and system of claims 20 and 43. ATI further discloses further including the step of determining how a user has configured the display device (pgs. 7-9) to display a TV signal of a defined aspect ratio on the display device, the display device having at least one of the same physical aspect ratio and a different aspect ratio as the defined aspect ratio of the TV signal (the Examiner notes that it is inherent and a truism, that the TV signal has a defined aspect ratio and that is different or same as the physical aspect ratio of the display device.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to enable a for determination of how a user has configured the display device to display a TV signal

of a defined aspect ration on a display device. One would have been motivated to provide determination of how a user has configured the display device to display a TV signal of a defined aspect ration on a display device so as allow a user to change the aspect ration as needed (pg. 7-9.)

Claim 24, 47: Bruck and ATI disclose the method and system of claims 20 and 43. Bruck further discloses further including soliciting additional user input based on the content displayed on the display screen, the additional user input corresponding to user preferences pertaining to visual appearance of the displayed content (Fig. 6B, it is inherent that the user would modify the settings according to his or her preferences.)

Claim 31: Bruck and ATI disclose the system of claim 26, wherein the processor is further configured with the logic to receive a TV signal from a network (Fig. 1B, 29b), processing the TV signal (Fig. 1C: 20), and effect the transmittal of a video output signal according to the first video interface specification, and according to at least one parameter of the TV signal (Fig. 1C: 26; it is inherent that a video port would be preset to some video interface specification and with in mind to at least one of many parameters of a TV signal for which it was intended to interface with; Abstract.)

Claim 39: Bruck and ATI disclose the system of claim 26. Bruck further discloses wherein the processor is further configured with the logic to effect communication with

the display device through a wireless connection or a physical connection (Fig. 1C: 26, 12, 11, 24.)

Claim 40: Bruck and ATI disclose the system of claim 26. Bruck further discloses further including a remote control device configured with a button that, responsive to activation of the button, cooperates with the logic to initiate discovery of characteristics of the device (Fig. 1B: 9, 11.)

Claim 45: Bruck and ATI disclose the system of claim 43. ATI further discloses wherein the processor is further configured with the logic, and in cooperation with the media engine and the output system, to distort at least one of objects (pg. 9, cropping) and video images and leave undistorted at least one of objects and video images (pg. 8, 9, displaying.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to enable distort at least one object. One would have been motivated distort at least one object so as to hide overscan noise (pg. 9.)

Claim 48: Bruck and ATI disclose the system of claim 26. Bruck further discloses wherein the system is embodied in a network client device in communication with the display device (Fig. 1C.)

Claim 53, 54: Bruck and ATI disclose the method of claim 1. Bruck further discloses further including the steps of:

- a. mapping the first video interface specification and corresponding port to at least one parameter of a video sequence or picture associated with the first video output signal (i.e. sending the signal through a port with the first video interface specification, Fig. 1B; video encoding / converting, 5:50-52);
- b. receiving a TV signal at a network client device (Fig. 1B: 29b);
- c. transmitting a video output signal according to the first video interface specification and according to at least one parameter of the TV signal (Fig. 1C: 26; it is inherent that a video port would be preset to some video interface specification and with in mind to at least one of many parameters of a TV signal for which it was intended to interface with; Abstract) to the display device that corresponds to the at least one parameter of the video sequence or picture associated with the first video output signal (Fig. 1C: 26, 12.)

ATI further discloses, processing the TV signal by the network client device according to the determined characteristic (pg. 13.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to enable a second modified video output signal. One would have been motivated to provide signal modification outside of TV, so as to enable users can adjust display settings regardless of display device being used.

Claim 58: Bruck and ATI disclose the method of claim 55. ATI further discloses further comprising storing the display device characteristic in memory (pg. 5.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bruck with ATI so as to save setting changes. One would have been motivated to save settings changes so as to maintain preferences.

Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of ATI and in further view of Krane (5,799,063.)

Claim 4, 29: Bruck and ATI disclose the method and system of claims 1 and 26. However, Bruck does not explicitly disclose wherein the explicit query is in the form of audible voice instructions to the user presented contemporaneously with driving the display device with the first video output signal. Kramer teaches a system and a method wherein voice instructions transmitted to the user (2:31-41.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize voice instructions as taught in Kramer, to the user in the method and system of Bruck. One would have been motivated to provide voice instructions over the audio capable system disclosed in Bruck, so as to accommodate persons with poor eyesight (Krane 2:15-18.)

Claims 13, 18, 19 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view ATI, in further view Elswick et al. (6,791,620) and in further view of May (5,544,354.)

Claim 13, 18, 38: Bruck and ATI disclose the method and system of claims 1 and 36. However, Bruck does not explicitly disclose wherein the step of driving the display device with the second video output signal includes the step of driving the display device with the second video output signal formatted according to a second video interface specification different than the first video interface specification, the second video output signal driven through an output port different than the output port used to drive the display device with the first video output signal.

Elswick discloses a similar system, wherein the step of driving the display device with the second video output signal includes the step of driving the display device with the second video output signal formatted according to a second video interface specification different than the first video interface specification, the second video output signal driven through an output port different than the output port used to drive the display device with the first video output signal (4:15-23; 3:9-20.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Bruck with Elswick. One would have been motivated to combine the teachings of Bruck with Elswick in such a manner so as to provide the user with a significant amount of flexibility when configuring a video system (Elswick, 3:25-27.)

Bruck does not explicitly disclose wherein the step of driving the display device with the second video output signal is a result of an automatic cycling to the second video output signal. May discloses a similar system, with automatic cycling between video output signals (15:45-67.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Bruck and Elswick with May. One would have been motivated to combine the teaching of May's automatic cycling the teachings of Bruck and Elswick, so as to bring to the attention of passive users other possible selections (May, 15:57-67.)

Claim 19: Bruck, ATI, Elswick and May disclose the method of claim 18. Bruck further discloses wherein the step of receiving the request includes the step of receiving a signal corresponding to the activation of a button on a remote control device (Fig. 1B: 9, 11.)

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of ATI and in further view of Elswick et al. (6,791,620.)

Claim 57: Bruck and ATI disclose the method of claim 55. However, Bruck does not explicitly disclose wherein outputting includes outputting the first and second television signals from a first port and a second port, respectively, the first port compliant to a first video interface specification and the second port compliant to a

second video interface specification, the first video interface specification different than the second video interface specification.

Elswick discloses a similar system, wherein outputting includes outputting the first and second television signals from a first port and a second port, respectively, the first port compliant to a first video interface specification and the second port compliant to a second video interface specification, the first video interface specification different than the second video interface specification (4:15-23; 3:9-20.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Bruck with Elswick. One would have been motivated to combine the teachings of Bruck with Elswick in such a manner so as to provide the user with a significant amount of flexibility when configuring a video system (Elswick, 3:25-27.)

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over ATI in view of Rzeszewski et al. (5,512,958.)

Claim 25: ATI discloses a method for determining the characteristics of a display device coupled to a network client device, said method comprising the steps of:

- a. outputting a video signal including pictures (page 4) for each part of the cycle, wherein the pictures include at least one of graphics data and video data (page 4);

- b. processing the pictures for each video format for output to a display device (page 4, as Multimedia Center is a software suite for viewing TV on a computer, the availability of characteristics for modification on page 8, reveal that such changes would be inherently processed before display through the ATI video cards (part of the computer) on the monitor);
- c. setting parameters of a video output port according to each video format (page 8-10);
- d. soliciting a user response for each video format, wherein the step of soliciting includes the step of presenting at least one of visible instructions and audible instructions to the user (page 8-10);
- e. determining at least one characteristic of the display device based on the user response, wherein the characteristic includes at least one of type of device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, capability of providing ancillary data, manner of providing the ancillary data (page 8-10); and
- f. driving the display device according to at least one parameter (aspect ratio, video size, etc., page 8) of a received TV signal processed by the network client device according to the determined characteristic to present images on a display screen (page 4, as Multimedia Center is a software suite for viewing TV on a computer, the availability of characteristics for modification on page 8, reveal that such changes would be inherently processed before display through the ATI video cards (part of the computer) on the monitor.)

However, ATI does not explicitly disclose:

- g. cycling through a plurality of video formats, each part of the cycle including a predetermined time duration

Rzeszewski discloses a similar system for television display modification allowing the user to cycle through a plurality of formats, each part of the cycle including a predetermined time duration (5:64-67.) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to cycle through a plurality of formats, each part of the cycle including a predetermined time duration, as taught in Rzeszewski, to the disclosure of video formats in ATI. One would have been motivated to cycle through a plurality of formats, each part of the cycle including a predetermined time duration so as to accommodate a user who may not be knowledgeable about the particular format or port necessary to allow best display (5:58-67) without having to particularly point out a particular port or format.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck in view of ATI and in further view of Rzeszewski et al. (5,512,958.)

Claim 41: Bruck and ATI disclose the system of claim 26. Bruck further discloses further including a remote control device configured with a button that, responsive to activation of the button, cooperates with the logic (Fig. 1B: 11; Fig. 10A: 100-114, B.) However, Bruck does not explicitly disclose wherein the logic is to cycle through at least one of a plurality of formats and a plurality of video formats. Rzeszewski discloses a

similar system for television display modification allowing the user to cycle through a plurality of formats (5:64-67.) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to cycle through a plurality of formats, as taught in Rzeszewski, to the disclosure of video formats in Bruck. One would have been motivated to cycle through a plurality of formats, so as to accommodate a user who may not be knowledgeable about the particular format or port necessary to allow best display (5:58-67) without having to particularly point out a particular port or format.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-24, 26-41, and 43-48 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 25 have been fully considered but they are not persuasive. Applicant argues the combination of ATI in view of Rzeszewski fail to disclose, teach, or suggest the "cycling through plural video formats." The Examiner respectfully disagrees. In combining of ATI in view of Rzeszewski, the Examiner takes support for video formats from ATI, whereas the Rzeszewski disclosure is used for the cycling portion.

Applicant argues that the display of the web page is not driven by a signal comprising video, but rather, appears in Bruck to be driven by graphics. The Examiner respectfully disagrees. Figure 1B indicates that the output from unit 10 is of VIDEO 6. Furthermore, Microsoft Computer Dictionary (Third Edition, Copyright 1997) defines

"video" as, "of or pertaining to the visual component of a television signal. In relation to computers, *video* refers to the rendering of text and graphics images on displays."

Applicant argues, with respect to claim 2, that none of the claimed features are shown in Fig. 6B. The Examiner respectfully disagrees. Brightness is well within scope of "color format" and "colorimetry."

Applicant argues, with respect to claim 11, that there is no teaching or disclosure of automatic cycling in Bruck. The Examiner respectfully disagrees. Claim 11 as recited does not solely require "automatic cycling" but also cites "as a result of user input" as an alternative.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

6/2/2009

/Steven P Sax/
Primary Examiner, Art Unit 2174